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Regional arrangements for the promotion and protection of human rights

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 63/170 on regional arrangements for the promotion and protection of human rights, and contains information on action taken in accordance with that resolution.

The first section of the report focuses on the international workshop on enhancing cooperation between international and regional human rights mechanisms that was organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in compliance with Human Rights Council resolution 12/15 and held in Geneva on 3 and 4 May 2010. Participants included representatives of regional human rights mechanisms in Africa, the Americas and Europe, as well as representatives of subregional mechanisms in Africa and a member of the Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights. Independent experts from United Nations treaty bodies and special procedures, as well as representatives of Member States, national human rights institutions, non-governmental organizations and academics, also participated in the workshop.

The second section of the present report focuses on specific activities undertaken by OHCHR field presences with regional and subregional organizations and their respective human rights mechanisms in Africa, the Arab region, Asia and the Pacific, Europe and Latin America and the Caribbean.

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The report should be read in conjunction with the report of the High Commissioner to the fifteenth session of the Human Rights Council on the international workshop (A/HRC/15/56 and Corr.1).

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I. Introduction

1. In its resolution 63/170 on regional arrangements for the promotion and protection of human rights, the General Assembly requested the Secretary-General to submit to the Assembly at its sixty-fifth session a report on the state of regional arrangements for the promotion and protection of human rights, formulating concrete proposals and recommendations on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights.

2. In its resolution 63/170, the General Assembly, recalling that the 1993 World Conference on Human Rights recommended that more resources should be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and welcoming the fact that OHCHR had been systematically pursuing a regional and subregional approach through a variety of complementary means and methods, in order to maximize the impact of the activities of the United Nations at the national level and that OHCHR intended to establish new regional offices, welcomed the placement of OHCHR representatives in subregions and in regional commissions.

3. The General Assembly also welcomed the continuing cooperation and assistance of OHCHR in the further strengthening of the existing regional human rights arrangements and machinery, in particular through technical cooperation aimed at national capacity-building, public information and education, and in the organization of regional and subregional training courses and workshops, high-level governmental expert meetings and regional conferences of national human rights institutions.

4. The General Assembly requested the Secretary-General to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to make available adequate resources from within the regular budget of technical cooperation to OHCHR activities to promote regional arrangements.

5. Finally, it requested OHCHR to continue to pay special attention to the most appropriate ways of assisting countries of the various regions, at their request, under the programme of technical cooperation and to make, where necessary, relevant recommendations.

6. Reaffirming the important role of regional arrangements in promoting and protecting human rights, the Human Rights Council, in its resolution 12/15, requested the High Commissioner to hold a workshop on regional arrangements for the promotion and protection of human rights on a regular basis and to convene the next one in the first semester of 2010 to allow further sharing of information and concrete proposals on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights and the identification of strategies to overcome obstacles to the promotion and protection of human rights at the regional and international levels, with the participation of representatives of the relevant regional and subregional arrangements from different regions, experts and interested States Members of the United Nations, observers,

national human rights institutions and representatives of non-governmental organizations.

II. Cooperation between the United Nations and regional human rights mechanisms

7. The relationship between regional and international human rights mechanisms has strengthened over the past two decades. The Vienna Declaration and Programme of Action, adopted by the 1993 World Conference on Human Rights, endorsed the efforts to strengthen regional arrangements on human rights and to increase their effectiveness, while stressing the importance of the cooperation of such arrangements with United Nations human rights activities.

8. The then Commission on Human Rights adopted a number of resolutions on the subject, starting with resolution 1993/51, which, inter alia, invited States in areas where regional arrangements in the field of human rights did not yet exist to consider agreements with a view to the establishment within their respective regions of regional mechanisms for the promotion and protection of human rights, and requested the Secretary-General to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights.

9. In November 2008, further to Human Rights Council resolution 6/20, which was adopted in September 2007, OHCHR convened a workshop on regional arrangements for the promotion and protection of human rights. This meeting highlighted the need for more coherent and regular cooperation among regional mechanisms and between regional and international mechanisms. In April 2009, in his report on the workshop on regional arrangements for the promotion and protection of human rights (A/HRC/11/3), the Secretary-General summarized the discussions, including the recommendation to establish a high-level focal point within OHCHR in order to facilitate future networking and information-sharing among the Human Rights Council, the regional and subregional human rights mechanisms and OHCHR. In response to this recommendation, the High Commissioner established in August 2009 a focal point through the National Institutions and Regional Mechanisms Section within the Field Operations and Technical Cooperation Division of OHCHR.

International workshop on enhancing cooperation between international and regional human rights mechanisms

10. Pursuant to Human Rights Council resolution 12/15, the workshop on enhancing cooperation between international and regional human rights mechanisms was held in Geneva on 3 and 4 May 2010.[1] Participants included representatives of

[1] In preparation for the workshop, in November and December 2009 the Office of the United Nations High Commissioner for Human Rights organized regional consultations with regional human rights mechanisms in Africa, the Americas and Europe in order to identify existing and potential areas for greater cooperation and dialogue between the United Nations human rights system and the regional human rights mechanisms. Participants in the consultations concluded that cooperation could be enhanced in several areas, in particular in information-sharing, possible joint activities and follow-up to decisions and recommendations resulting from international and regional human rights mechanisms. For more information, see A/HRC/15/56, paras. 7 and 8.

the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights, the Southern African Development Community (SADC) Tribunal, the Court of Justice of the Economic Community of West African States (ECOWAS), the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the Council of Europe, the European Union Agency for Fundamental Rights, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) and the Indonesian representative of the Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights. The United Nations human rights system was represented by the Chair of the Working Group on Enforced or Involuntary Disappearances, the Chair of the Committee on Migrant Workers, the Vice-Chair of the Subcommittee on Prevention of Torture, a member of the Human Rights Committee and the Special Rapporteur on the situation of human rights defenders. Member States, national human rights institutions, including chairs of regional networks and the secretariats of those institutions, and prominent international and national non-governmental organizations also participated.

11. The report of the High Commissioner on the workshop (A/HRC/15/56 and Corr.1), which was presented to the Human Rights Council during its fifteenth session, summarizes the discussions that were held. It includes recommendations aimed at enhancing cooperation among international, regional and subregional human rights mechanisms, mainly in sharing information among and joint activities by human rights mechanisms.

12. The report also identifies tools that would facilitate smooth cooperation, including basic cooperation arrangements that should be adopted by all mechanisms, such as the establishment of high-level focal points in each mechanism and biennial meetings aimed at discussing sharing of information and joint activities, focusing on thematic priorities.

III. Interaction between the Office of the United Nations High Commissioner for Human Rights and regional and subregional human rights mechanisms

13. As reflected in the Strategic Management Plan of OHCHR for 2010-2011,[2] field presences work in close partnership with regional organizations to improve the promotion and protection of human rights at the country level. The Office of the High Commissioner provides technical advice, implements technical cooperation projects, organizes capacity-building and awareness-raising initiatives and uses international human rights mechanisms and standards to advocate change at the regional and national levels.

A. Africa

1. African Union

14. The activities of OHCHR for the promotion and protection of human rights in Africa are aimed at, inter alia, strengthening the human rights mechanisms of the

[2] See www.ohchr.org/Documents/Press/SMP2010-2011.pdf.

African Union Commission and consolidating its human rights capacities at the regional, subregional and national levels.

15. The Office of the High Commissioner cooperates with the African Union through the OHCHR regional office for Eastern Africa in Addis Ababa, which continues to provide assistance for the mainstreaming of human rights into policies and programmes of the African Union through the establishment of new mechanisms, the organization of conferences, training and support for peace processes.

16. In the context of a global project entitled "Comprehensive support for the African Union in strengthening the promotion and protection of human rights in Africa", OHCHR provides financial and technical support to strengthen the human rights foundation of the African Union, to maintain its focus on human rights issues and to ensure the institutionalization of human rights in its agenda and programme of work.

17. In the framework of the African Union-United Nations 10-year capacity-building programme, OHCHR strengthened its engagement with African Union organs that have a human rights mandate towards the development of a human rights strategy for Africa. The mapping of African human rights institutions and the development of the strategy were discussed and approved at a joint OHCHR-African Union-Economic Commission for Africa (ECA) meeting of experts in November 2009.

18. In addition, OHCHR has been working to maintain the profile of human rights issues during key African Union gatherings. For example, in 2009 and 2010, the High Commissioner for Human Rights attended the annual Assembly of Heads of State and Government of the African Union. During the 2010 summit, the High Commissioner and the Chair of the African Union Commission signed a memorandum of understanding between OHCHR and the Commission, a milestone in cooperation towards the implementation of the 10-year capacity-building programme.

19. The Office of the High Commissioner also supports the non-governmental organization forums that take place just prior to the sessions of the African Commission on Human and Peoples' Rights. Items on the agenda of the non-governmental organization forum (such as presentations on the human rights strategy for Africa and the Durban Review Conference) were placed on the agenda of the sessions of the African Commission on Human and Peoples' Rights, and relevant recommendations were adopted.

20. Furthermore, OHCHR, through the subregional centre for human rights and democracy in Central Africa, provides substantive support to the subregional mechanism on the implementation of the New Partnership for Africa's Development (NEPAD) programme for Central Africa led by ECA. In this context, the subregional centre for human rights and democracy in Central Africa participated in the meeting of that mechanism in December 2009 to ensure that relevant programmes and strategies were consistent with the human rights-based approach to development, with an emphasis on economic, social and cultural rights.

21. In June 2010, the subregional centre for human rights and democracy in Central Africa participated in the African Union Commission workshop held in Brazzaville on realizing women's rights through human rights education, which

aimed at contributing to the implementation of the world programme for human rights education in general and the African Union education programme in particular.

2. Economic Community of Central African States

22. In early 2010, the Economic Community of Central African States (ECCAS) formally requested the support of the subregional centre for human rights and democracy in Central Africa on anti-trafficking initiatives.

23. In 2010, the subregional centre for human rights and democracy in Central Africa and ECCAS expanded their cooperation to enhance democratic processes in the central African subregion. They organized a subregional workshop for national electoral management bodies on human rights promotion and protection in electoral processes, which was held in Yaoundé from 6 to 8 July 2010.

3. Economic Community of West African States

24. OHCHR has been working closely with ECOWAS to strengthen its human rights work. With the technical and substantive support of the OHCHR regional office for West Africa, the constitution of the network of West African national human rights institutions was adopted in October 2009 in Banjul, along with a draft plan of action. The Office of the High Commissioner supports the newly created network of ECOWAS national human rights institutions in establishing a functioning and well-structured secretariat, to be based in Abuja.

4. Southern African Development Community

25. The cooperation of OHCHR will focus on the SADC strategic indicative plan for the Organ on Politics, Defence and Security Cooperation and on the SADC Protocol on Gender and Development. The Office of the High Commissioner is coordinating its activities with the Department of Political Affairs liaison office in Gaborone and with specialized agencies and organizations that cooperate with SADC.

B. Arab region

26. The Office of the High Commissioner has been strengthening its cooperation with the League of Arab States (LAS). The Chair of LAS and several members visited OHCHR headquarters in 2009 and 2010, with the aim of strengthening links between both organizations.

27. Representatives of the Human Rights Committee of LAS participated in the preparatory regional consultation held in Africa in 2009 in preparation for the workshop on enhancing cooperation between international and regional human rights mechanisms, with a view to enhancing its cooperation with both the United Nations and the African human rights system.

28. Furthermore, OHCHR is contemplating a technical cooperation project with LAS for the next biennium that addresses human rights national strategies and reinforces capacities of the Human Rights Committee and the Arab Permanent Human Rights Commission.

C. Asia and the Pacific

29. The Office of the High Commissioner, through its regional office for South-East Asia, has sought to support the important steps taken in recent years by ASEAN to establish a regional human rights system. In October 2009, the ASEAN Intergovernmental Commission on Human Rights was launched with a mandate to promote and protect the human rights of the people of ASEAN member States. This was followed in April 2010 by the launching of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children.

30. The regional office has provided key stakeholders with access to experiences and lessons learned from the regions of Africa, the Americas and Europe regarding the development of a credible and effective regional human rights system. In April 2009, an interactive expert dialogue was organized for the high-level panel drafting the terms of reference of the Intergovernmental Commission on Human Rights. This was followed in May by a workshop in Jakarta for civil society groups that were seeking to engage with ASEAN on the development of a regional human rights system. In 2010, OHCHR will hold a workshop to enhance the capacity of the ASEAN secretariat to support the work of the newly established human rights mechanisms of ASEAN.

31. The fifteenth workshop on regional cooperation for the promotion and protection of human rights in the Asia-Pacific Region was held in Bangkok from 21 to 23 April 2010. Discussions were held on the theme of strengthening regional human rights mechanisms by sharing good practices and experiences. The workshop concluded with the adoption of the "Bangkok action points", which include, inter alia, the welcoming of the emerging regional human rights infrastructure in the Asia-Pacific region and the development of new regional human rights mechanisms. Participants encouraged OHCHR and the Asia Pacific Forum of National Human Rights Institutions to support emerging regional and national mechanisms and to give high priority to requests from Member States with respect to the development and strengthening of such institutions in partnership with relevant regional organizations. They highlighted the opportunities for initiatives by countries to work towards the development of subregional human rights mechanisms, which are an essential building block for broader human rights arrangements for the Asia-Pacific region.

D. Europe

1. Council of Europe

32. In November 2009, the third coordination meeting between the Council of Europe and OHCHR was held in Strasbourg, France. The aim of the meeting was to strengthen relations between the two organizations at the working level and to build on best practices in order to enhance the effectiveness of their work in the human rights field. Topics discussed included arbitrary detention, national human rights institutions, Durban follow-up, human rights indicators, migration and the rights of children. Participants decided to continue to focus on an increased understanding of mandates and to develop channels for working-level cooperation.

2. European Union

33. In July 2010, the annual meeting of Chairs of the treaty bodies was held in Brussels. The Chairs met with representatives of European Union institutions (European Parliament, European Commission and Council of the European Union), the European Union Agency for Fundamental Rights, the Council of Europe, the European Court of Human Rights and civil society organizations. Topics discussed included the continued relevance of international standards for the legislation and policies of the European Union and its States members, coherence between the external and internal dimensions of the policies of the European Union and its States members, the creation of synergies between the United Nations treaty bodies and the European Union Agency for Fundamental Rights and the European Court for Human Rights and the potential role of the European Union in promoting and following up on the recommendations of the treaty bodies. The Chairs agreed to launch a new approach to the annual meetings, which could in the future be held periodically in other regions of the world, in order to increase contacts and cooperation with regional stakeholders.

3. Organization for Security and Cooperation in Europe

34. The OHCHR office in Kosovo was engaged in joint and coordinated advocacy initiatives, information-sharing and the organization of training in cooperation with OSCE. Elsewhere in the region, OHCHR and OSCE field presences provide assistance to Governments, build capacity for national human rights institutions and civil society and assist with the improvement of legislation.

35. The Organization for Security and Cooperation in Europe facilitated the country missions of several special procedures mandate holders by providing information and suggestions on individuals and organizations to meet during the visit. In some cases, the OSCE presence facilitated access to certain regions. For instance, the Special Rapporteur on violence against women, its causes and consequences visited Transnistria with the assistance of the OSCE mission. The special procedures also participate in various OSCE thematic activities. The Independent Expert on minority issues was invited by the OSCE High Commissioner on National Minorities to a seminar on preventive and reactive approaches to minority issues and to a separate consultation in the Hague, the Netherlands, in May 2007.

E. Latin America and the Caribbean

36. The OHCHR regional office for Latin America and the United Nations Children's Fund (UNICEF) regional office for Latin America supported the process of preparation of two reports by the Inter-American Commission on Human Rights on citizen security and human rights, and juvenile justice, respectively. In 2009, two regional workshops were convened by the Inter-American Commission on Human Rights with the support of the regional offices as part of the preparatory process for the two regional studies. The report on citizen security and human rights was approved by the Commission in December 2009. In 2010, joint launchings of the report were held in Argentina, El Salvador, Panama and Peru.

37. In June 2010, OHCHR participated in an expert meeting organized by the Inter-American Commission on Human Rights, with the participation of the African

Commission on Human and Peoples' Rights, on challenges and best practices in facilitating access to users of international, inter-American and African human rights mechanisms, improving the case management system and enhancing the monitoring roles of these human rights mechanisms in the implementation of decisions and recommendations.

38. The OHCHR office in Bolivia established close coordination with electoral missions of the Organization of American States (OAS) during both the general and the departmental and municipal elections, which were held in December 2009 and April 2010, respectively. On both occasions, the OHCHR staff deployed in the field to monitor the human rights situation in the context of the elections shared information on a regular basis with OAS observers and handed over complaints falling within the mandate of OAS.

39. Finally, the OHCHR regional office for Central America is cooperating with the Central American Integration System (see www.sica.int) in the area of human rights, with a particular focus on citizens' security.

F. Partnerships with other intergovernmental organizations

40. The Office of the High Commissioner has strengthened its relationship with the Organization of the Islamic Conference (OIC). In June 2009, a mission from the OIC general secretariat held meetings with OHCHR officials and with the OIC Group in Geneva in order to obtain their views on the establishment of the OIC Independent Permanent Commission on Human Rights.

41. In January 2010, OHCHR organized an informal briefing on regional human rights mechanisms with experts from the African, inter-American and European human rights systems. This meeting was aimed at exchanging information and ideas on the establishment and development of regional human rights mechanisms in Africa, the Americas and Europe and at highlighting their common features with the purpose of assisting OIC in finalizing the statute of the Independent Permanent Commission on Human Rights. The meeting was attended by representatives from the Department of Legal Affairs of the OIC general secretariat, members of the OIC Group in Geneva and OHCHR officials.

42. On 19 April 2010, the High Commissioner met the OIC Secretary-General in Jeddah. The High Commissioner reiterated that OHCHR stood ready to provide, upon request, any support as might be needed in the formative phase of the OIC Independent Permanent Commission on Human Rights. She also called for that human rights body to be independent and effective.

43. In May 2010, OHCHR attended the OIC Council of Foreign Ministers session held in Dushanbe. The meeting focused on several topics under the title: "Shared vision of a more secure and prosperous Islamic world". The Office of the High Commissioner also attended the United Nations-OIC general meeting on cooperation from 29 June to 1 July 2010 in Istanbul to review cooperation and appraisal of progress achieved in priority areas of cooperation. Conflict prevention, peacekeeping, combating terrorism and promoting human rights in the Middle East and Palestine, Iraq, Afghanistan, Somalia, the Sudan, the Niger and Guinea were among the themes discussed.

IV. Conclusions

44. The international workshop on enhancing cooperation between international and regional human rights mechanisms demonstrated the need to establish mechanisms in order to reinforce cooperation between international and regional human rights mechanisms. It identified the main areas in which such mechanisms could be implemented: information-sharing and joint activities.

45. The workshop also recognized the importance of holding biennial meetings with the participation of representatives of international and regional human rights mechanisms, Governments, national human rights institutions and non-governmental organizations in order to discuss ways and means to strengthen cooperation. In addition, it recommended the appointment of focal points in every human rights mechanism in order to maintain regular communication among mechanisms and to facilitate the elaboration of a plan of work that would be a reference for cooperation between international and regional human rights mechanisms.

46. Initiatives of cooperation between the United Nations and regional arrangements on human rights are undertaken by OHCHR, both at the headquarters and the field level. Field presences work in close partnership with regional organizations to improve the promotion and protection of human rights at the country level. They provide technical advice, implement technical cooperation projects, organize capacity-building and awareness-raising initiatives and use international human rights mechanisms and standards to advocate change at the regional and national levels.

47. Following the creation of a focal point within OHCHR to facilitate office-wide engagement in relation to regional human rights mechanisms, OHCHR intends to further develop its role to strengthen the cooperation between the United Nations and regional arrangements in the field of human rights with a view to closing human rights protection gaps and making a positive difference for individuals at the national level.